

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>IN RE: SKS CONSTRUCTION, INC.</b>	)	<b>Case No. 21-31862-KLP</b>
	)	
<b>Debtor.</b>	)	<b>Chapter 11</b>
	)	
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<b>SKS CONSTRUCTION, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Adversary Proceeding</b>
	)	<b>No. 21-03097-KLP</b>
<b>GARDNER STATION, LLC</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
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**PLAINTIFF’S MOTION TO STRIKE DEFENSES  
AND FOR SUMMARY JUDGMENT**

SKS Construction, Inc. (“SKS”), Debtor and Plaintiff in the above-captioned matter, moves the Court to enter an order (1) striking the “affirmative and other defenses” set forth in Defendant’s Answer, pursuant to FRCP 12(f) made applicable to this adversary proceeding by FRBP 7012, (2) granting in the alternative summary judgment in favor of the Plaintiff upon the Defendant’s “affirmative and other defenses,” and (3) granting summary judgment upon the Complaint in favor of the Plaintiff in the amount of \$144,550.55, pursuant to FRCP 56 made applicable to this adversary proceeding by

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*Counsel for the Debtor/Plaintiff*

FRBP 7056. Plaintiff's grounds for this Motion are set forth in its separately filed memorandum in support.

### **NOTICE OF MOTION**

PLEASE TAKE NOTICE that, on March 28, 2022, SKS Construction, Inc. filed its Motion to Strike Defenses and for Summary Judgment ("Motion") with the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the "Court").

**PLEASE TAKE FURTHER NOTICE that your rights may be affected. You should read the Motion carefully and discuss it with your attorney, if you have one in this case. (If you do not have an attorney, you may wish to consult one).**

**PLEASE TAKE FURTHER NOTICE** if you do not want the Court to grant the relief requested in the Motion, or if you want the Court to consider your views on the relief requested therein, then, by **April 11, 2022** (the "Response Deadline"), you or your attorney must:



File with the Court, either electronically or at the address shown below, a written response to the Motion pursuant to Rule 9013-1(H) of the Local Rules of the United States Bankruptcy Court for the Eastern District of Virginia. If you mail your written response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the Response Deadline.

**If a response is not properly and timely filed and served, the Court may deem any opposition waived, treat the Motion as conceded and enter an appropriate order granting the requested relief without further notice or hearing.**

Clerk of the Court  
United States Bankruptcy Court  
701 East Broad Street  
Suite 4000  
Richmond, VA 23219

**PLEASE TAKE FURTHER NOTICE** that if you do not want the Court to grant the relief requested by the Motion, you must also attend a hearing on a date to be scheduled, via video conference, before the Honorable Keith L. Phillips, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division, 701 East Broad Street, Room 5100, Richmond, Virginia 23219.

**REMOTE HEARING INFORMATION:**

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the “Zoom Request Form”), which is available on the Court's internet website at [www.vaeb.courts.gov](http://www.vaeb.courts.gov), on the page titled, “Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information.” Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

\*\*\*The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge’s attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.\*\*\*

**PLEASE NOTE:** You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

DATED: 3/28/2022

**SKS CONSTRUCTION, INC.**

By: /s/ David G. Browne  
Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of March, 2022, a true and accurate copy of the foregoing Motion to Strike Defenses and for Summary Judgment, was filed via the ECF system and served thereby on all parties receiving notice via the ECF system.

/s/ David G. Browne